
Federal Communications Commission

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Haug Communications Inc.)	File No.: EB-FIELDSCR-12-00005608
Owner of Antenna Structure No. 1057525)	
)	NOV No.: V201332560010
St. Joseph, Missouri)	
)	
)	

NOTICE OF VIOLATION

Released: December 10, 2012

By the District Director, Kansas City Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to Haug Communications Inc., owner of antenna structure number 1057525 in St. Joseph, Missouri. Pursuant to Section 1.89(a) of the Rules, issuance of this NOV does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.²
2. On November 28, 2012, an agent of the Commission's Kansas City Office inspected antenna structure number 1057525 located at 12645 CR 447, NW of 500' tower, and observed the following violation(s):
 - a. 47 C.F.R. §17.4(g): "*... the Antenna Structure Registration Number must be displayed in a conspicuous place so that it is readily visible near the base of the antenna structure. Materials used to display the Antenna Structure Registration Number must be weather-resistant and of sufficient size to be easily seen at the base of the antenna structure.*" At the time of inspection, the ASR numbers were faded to white, matching the background of the sign, and were not readily visible.
 - b. 47 C.F.R. § 17.23: "*Unless otherwise specified by the Commission, each new or altered antenna structure to be registered on or after January 1, 1996, must conform to the FAA's painting and lighting recommendations set forth on the structure's FAA determination of "no hazard..."*" The FCC's Antenna Structure Registration (ASR) database

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

currently indicates that the antenna structure requires aviation orange and white paint and red obstruction lighting in accordance with FAA Circular Number 70/7460-1J, Chapters 3, 4, 5, and 13. At the time of the inspection, the antenna structure did not conform to these recommendations. The antenna structure was lit with daytime strobe lights and was not painted (although some of the cabling looked red). In order to come into compliance with the Commission's rules, Haug Communications Inc. must obtain an FAA "no hazard" determination indicating that the current lighting system is permitted and submit a modified antenna structure registration to reflect the new "no hazard" requirements.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, Haug Communications Inc., must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response must (i) fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴
4. In accordance with Section 1.16 of the Rules, we direct Haug Communications Inc. to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Haug Communications Inc. with personal knowledge of the representations provided in Haug Communications Inc.'s response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶ All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

³47 U.S.C. § 403.

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).'

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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Federal Communications Commission
Kansas City Office
520 N.E. Colbern Rd.
2nd Floor
Lees Summit, MO 64086-4711

5. This Notice shall be sent to Haug Communications Inc. at its address of record.
6. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁸

FEDERAL COMMUNICATIONS COMMISSION

Ronald D. Ramage
District Director
Kansas City Office
South Central Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁸ 18 U.S.C. § 1001 *et seq.*